

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**In re:**

**NOEL H. MELENDEZ GONZALEZ  
VILMA MARTINEZ RIVERA**

**DEBTORS**

**CASE NO. 10-04816(BKT)**

**CHAPTER 13**

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**OBJECTION TO CONFIRMATION  
CHAPTER 13 PLAN OF 9/01/2010**

Comes now, R-G MORTGAGE CORP., represented by the undersigned attorneys who state and pray as follows:

The undersigned attorney has been advised by the Federal Deposit Insurance Corporation ("FDIC") as Receiver for R-G Premier Bank whose assets were sold to Scotiabank on April 30, 2010 to continue with the legal representation of R-G Mortgage Corporation as servicing agent of R-G Premier Bank, now Scotiabank.

1. On September 1, 2010, Debtor filed an amended Chapter 13 plan of that same date.
2. The Chapter 13 Plan provides for direct monthly payments to R-G in account # 1004816, but omits to provide for pre petition arrears claimed by R-G, in its Proof of Claim filed on October 6, 2010.
3. R-G's Proof of Claim includes the amount of \$209,966.56 as total claim, including \$1,455.70 for pre petition arrears.

4. Debtors' plan as stated does not comply with the provisions of 11 U.S.C. 1322 (b)(5).

WHEREFORE, it is respectfully requested that debtor's plan dated September 1, 2010, not be confirmed.

NOTICE OF RESPONSE TIME

Within ten (10) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on this date copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will sent notification of such filing to debtor's attorney and to **Alejandro Oliveras Rivera, Esq., US Chapter 13 Trustee**, and also certify that I have mailed by United State Postal Service copy of this motion to the following non CM/ECF participant debtor, to their address of record in this case.

In San Juan, Puerto Rico, on the 13<sup>th</sup> day of October, 2010.

CARDONA JIMENEZ LAW OFFICE

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